

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 958 of 1996

in

SPECIAL CIVIL APPLICATION No 5256 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANGABHAI D BAGDA

Versus

G S R T C

Appearance:

MR DAXESH T DAVE for Appellant (absent)

MR YOGESH S LAKHANI for Respondent No. 1

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.L.DAVE

Date of decision: 11/02/99

ORAL JUDGEMENT (Per Patel, J.)

Being aggrieved by order passed by the learned

Single Judge on 22.7.1998 in Special Civil Application No. 5256 of 1996 original petitioner has preferred this appeal.

2. The appellant was serving with the respondent Gujarat State Road Transport Corporation [for brevity, GSRTC, hereinafter] as a Conductor since 1969. He was charge sheeted on or about 20.8.1993. It appears that only notice dated 1st July 1996 has been issued to the petitioner to show cause as to why he should not be dismissed from the service. The petitioner was called upon to submit explanation, failing which, he was informed that an ex parte order will be passed.

3. The petitioner preferred the Special Civil Application against this show cause notice. Learned Single Judge in the aforesaid order held that the petition is premature and alternative remedy would be available to the petitioner in case any order adverse to the petitioner is made pursuant to the impugned show cause notice. The petition, therefore, was summarily rejected.

4. When the matter is called out, Mr. Dave, learned advocate for the appellant is absent.

5. We have gone through the papers of the petition. We are in agreement with the views expressed by the learned Single. Hence this appeal fails, and is dismissed. No order as to costs.

csm./ -----